

REMARKS

Applicant's acknowledge, with appreciation, the allowance of claim 29, and the indication that dependent claim 20 contains allowable subject matter. Claims 16-29 are currently pending, with claims 16 and 29 being the only independent claims. Reconsideration of the above-identified application in view of the following amendment remarks is respectfully requested.

Claims 16-18, 21 and 24-28 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,365,569 ("*Hollweck*"). Claims 19, 22 and 23 stand rejected under 35 U.S.C. §103(a) as unpatentable over *Hollweck* in view of U.S. Patent No. 4,779,305 ("*Gorsek*"). For the following reasons, reconsideration and withdrawal of this rejection are respectfully requested.

Independent claim 16 was previously amended to recite, *inter alia*, "a recess in the front element, said recess having a first cylindrical guide extending from the rear side of the front element to form a first contact face on said front element, the operating element being movable within said recess and said recess being surrounded by the first contact face on the front element". The cited art fails to teach or suggest this limitation.

The Examiner (at pg. 4 of the Final Office Action; *Response to Arguments*) contends that:

applicants' claimed recess 14 is considered similar to Hollweck's recess at the contact point of Hollweck housing 1 and Hollweck button 10. Hollweck's description of 'hollow, ... thimble-shaped push bottom 10' implies a cylindrical guide".

Applicants disagree that *Hollweck* teaches the expressly recited structure of independent claim 16. Even if the recess through which the pushbutton 10 of *Hollweck* extends is considered to be a cylindrical guide, *Hollweck* fails to disclose "a first cylindrical guide extending from the rear side of the front element to form a first contact face".

Fig. 1 of *Hollweck* depicts a resetting device including a housing 1 and a push button 10 slideably arranged on the housing 1. The lower end of the push button 10 has a flanged portion (not numbered) which interacts with a contact face of the housing 1, the contact face extending radially inward from the side-wall of the housing. The inside of the contact face defines the recess through which the pushbutton 10 extends. The Examiner seems to allege that the radially inner surface of the contact face is the claimed first cylindrical guide. However, there is no additionally extending surface that extends from the rear of the side of the housing 1 of *Hollweck*. There is no additionally cylindrical guide that is formed at the location identified by the Examiner. The claimed configuration is depicted in Fig. 2 of applicants' drawings, where the cylindrical guide 15 extends from the rear side of the front element. There is no corresponding structure in the *Hollweck* device that is located in the same position as the cylindrical guide of independent claim 1 and that extends from the rear side of the front element to form a first contact face on said front element. Accordingly, *Hollweck* fails to disclose "a recess in the front element, said recess having a first cylindrical guide extending from the rear side of the front element to form a first contact face on said front element", as recited in claim 16. *Hollweck* thus fails to anticipate independent claim 16 under 15 U.S.C. §102.

Gorsek relates to "a positive-positioning knob assembly which may be used on any device having a rotatable shaft which requires positive incremental positioning or 'detenting'." (see col. 1, lines 6-9). However, there is nothing whatsoever in *Gorsek* with respect to the recess in the front element of independent claim 16. Therefore, the deficiency of *Hollweck* remains, because *Gorsek* fails to provide what *Hollweck* lacks.

In view of the foregoing, independent claim 16 is patentable over the combination of *Hollweck* and *Gorsek*. Reconsideration and withdrawal of all the rejections under 35 U.S.C. §102(b) and §103(a) are therefore in order, and a notice to that effect is requested.

In view of the patentability of independent claim 16, dependent claims 17-28 are also patentable over the prior art for the reasons set forth above, as well as for the additional recitations contained therein.

Based on the foregoing amendments and remarks, this application is in condition for allowance. Early passage of this case to issue is respectfully requested.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
COHEN PONTANI LIEBERMAN & PAVANE LLP

By /Alfred W. Froebrich/
Alfred W. Froebrich
Reg. No. 38,887
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: December 14, 2009